IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 949 OF 2007

Somnath P. Nerkar & Ors.. ... Petitioners.
Versus
Mumbai Municipal Corporation of
Greater Mumbai & Ors..... ..... Respondents.

Mr. E.P.Bharucha with Mrs.N.V.Sanglikar
for the Petitioners.
Mr.K.K.Singhvi with Ms.A.K.Savla for
Respondent Nos.1 to 3.
Mr. S.P.Thorat for Respondent No.5.
Mr.Kamal Khata i/by Mr.N.R.Gandhi for
Respondent Nos.6 and 7.

CORAM : SWATANTER KUMAR, C.J. &
DR.D.Y.CHANDRACHUD, J.

DATED : 4TH SEPTEMBER, 2007.

P.C.:

It has been brought to the notice of the Court by the learned Counsel appearing for the Corporation that vide letter dated 6th August, 2007 the Municipal Corporation of Greater Mumbai in response to the letter dated 23rd July, 2007 written by Maharashtra Housing & Area Development Authority, required the Architect to submit amended plan and ensure that the structural stability of the building is not disturbed. It is also indicated that load bearing wall on the ground floor should not be removed.

2. In face of the above submission, nothing survives in this writ petition and the same is required to be disposed of. However, before passing the order, we make it clear that respondent nos.6 and 7, who claims to be the owners of the building, are at liberty to take such steps as are permissible to them in accordance with law and all questions raised herein or otherwise in the averments made in the matter or in the letters / orders of the Corporation are kept open.

3. We also make it clear that the interim order or any observations made therein by the court in the present writ petition would not in any way affect the rights of the parties, which are available to them in law.

4. This writ petition is disposed of with the above directions. The parties are left to bear their own costs.

Sd/-

CHIEF JUSTICE

Sd/-

DR.D.Y.CHANDRACHUD, J.